THE HON'BLE SRI JUSTICE N.V. RAMANA

W.P. No. 11446 of 2002

O r d e r:

The petitioner having studied B.Tech. four-year course in Computer Sciences from College of Engineering at Kothagudem, was awarded degree by the Kakatiya University. The petitioner joined the B.Tech. degree four-year course in 1997. He passed the 1st and 2nd semesters of 1st, 2nd and 3rd years and 1st semester of the 4th year in single attempt with 70.5% marks. He, however, could not appear for one of the papers, namely Image Processing, of the 2nd semester of the 4th year, as he fell ill, and as such, he did not complete the 2nd semester of the 4th year in one attempt. Owing to the fact that he did not complete the four-year course within the period of study, in that he had completed the 2nd semester of the 4th year in the supplementary examination, having regard to the provisions of Rule 14.2 of the Academic Rules, he was awarded II Division, even though he secured 70% marks, and was entitled to award of I Division had he passed the 2nd semester of the 4th year in one attempt. Hence, the petitioner filed the present writ petition assailing Rule 14.2 of the Academic Rules, as being illegal, arbitrary and discriminatory, and consequently to direct the respondents to award him I Division.

Heard the learned counsel for the petitioner and the learned Standing Counsel for the respondents-University.

The learned counsel for the petitioner submits that except for one of the papers, namely Image Processing of the 2nd semester of the

4th year, the petitioner passed the 1st and 2nd semesters of the 1st, 2nd and 3rd year and the 1st semester of the 4th year in single attempt with 70.5% marks. He submits that the petitioner could not appear for the examination in Image Processing paper of the 2nd semester of the

4th year because he suffered from appendicitis and had to be admitted into hospital. He submits that merely because the petitioner had passed the Image Processing

paper of the 2nd semester of the 4th year after completion of the 2nd semester period, he cannot be said to have completed the B.Tech. degree course beyond the four-year period prescribed for its completion, and more so when the word “successive” instead of “consecutive” is used in the Academic Rules. He submitted that the B.Tech. degree course can be completed during any four successive years of the eight years period during which the course is required to be completed. And inasmuch as the petitioner has passed the 1st and 2nd semesters of the 1st, 2nd and 3rd years and 1st semester of the 4th year, except for one of the subjects of the 2nd semester of the 4th year, in single attempt with nearly 70% marks, he is entitled to be awarded I Division, and awarding him II Division based on Rule 14.2 of the Academic Rules, is illegal and arbitrary, and more so when the said Rule had been amended subsequently.

The Registrar of Kakatiya University filed counter-affidavit. The learned Standing Counsel appearing on behalf of the respondents while reiterating the averments made in the counter contended that the petitioner has not completed the B.Tech. degree in four successive academic years, and passed one of the papers of the 2nd semester of the 4th year after completion of the 4th academic year. He submitted that as per Rule 14.0 a candidate who satisfies the requirements prescribed for award of B.Tech. degree shall be placed in one the three divisions based on the aggregate of credit marks secured by him/her with prescribed weightages for different years. As per Rule 14.1 of the Academic Rules, a candidate who passed each of annual/semester examinations in a single attempt in a period of four successive academic years and secured 70% or more in the aggregate of marks, compared by giving 50% weightage to first and second year examinations and 100% weightage to third and fourth year examinations, shall be awarded I Division with distinction, and as per Rule 14.2 of the Academic Rules, in the very like manner as envisaged in Rule 14.1 of the Academic Rules, a candidate who secured 60% or more, shall be awarded I Division, and those candidates who do not satisfy the criteria prescribed in Rules 14.1 and 14.2 of the Academic Rules, shall be awarded II Division. He submitted that inasmuch as the petitioner did not complete the 2nd semester of the 4th year in single attempt, and passed one of the papers subsequently, he was awarded II Division even though he secured 70% marks, having regard to the fact that he failed to satisfy the criteria prescribed for award of I Division in Rule 14.2 of

the Academic Rules. He submitted that even though the impugned Rule was amended subsequently, yet the petitioner cannot seek the benefit of the amended Rule, for the Rules that existed as on the date of his admission and completion of the course, govern the award of Division.

The petitioner admittedly joined the B.Tech. degree course in 1997. The period of B. Tech. degree is four academic years. The four-year degree course, which started in 1997, ended in the month of May, 2001 when the examinations of the 2nd semester of the 4th academic year were held. The petitioner, admittedly, did not appear for one of the papers of the 2nd semester of the 4th year, and as such, he could not complete the course by the closure of the 4th academic year, but he passed the said paper in the month of September, 2001. As the petitioner passed the B. Tech. degree course after expiry of four academic years, he was awarded II Division, even though he secured 70.1% of marks.

It is the case of the petitioner that inasmuch as eight consecutive years are provided for passing the B. Tech. degree course, and having regard to the fact that he had passed the B. Tech. degree course with 70.1% of marks, though not in four academic years, yet he is entitled to be awarded B.Tech. degree course with I Division.

To consider the question - whether or not the petitioner is entitled to be awarded I Division, in the background of the facts stated supra, a brief reference to the relevant Academic Rules be made.

Rule 13.0 of the Academic Rules, deals with Eligibility for Award of B. Tech. degree. As per Rule 13.1, a candidate shall be deemed to have satisfied the requirements for the award of the B.Tech. degree provided he passes in all the courses (theory and practical) prescribed in the scheme of instruction within a period of eight consecutive years from the year of admission to the programme, and as per Rule 13.2, a candidate who fails to fulfil all the requirements for the award of B.Tech. degree in a period of eight consecutive academic years from the year of his admission to the B.Tech. degree programme shall forfeit his enrolment to the programme.

The time limit of eight years, prescribed in Rule 13.1 of the Academic Rules, is merely for passing the B. Tech. degree, and failure on the part of the candidate to

pass the B.Tech, degree within eight years, as per Rule 13.2, would entail forfeiture of his admission to the B.Tech degree. The time limit of eight years prescribed for completion and passing of the B. Tech. degree, has nothing to do with award of Divisions, which is based on a different criteria, as prescribed in Rules 14.0 to 14.3 of the Academic Rules.

The petitioner, admittedly, passed the B. Tech. degree with 70.1% of marks within eight years, and as such, he is deemed to have satisfied the requirements for the award of B. Tech. degree. But the question is whether he is entitled to be awarded
I Division, having regard to the fact that he passed the B.Tech. degree with 70.1% of marks.

Rule 14.0 of the Academic Rules, provides that a candidate who has satisfied the requirements prescribed for award of B.Tech. degree shall be placed in one of the three Divisions, namely
I Division with distinction or I Division or II Division, on the basis of the aggregate of credit marks secured by him/or her with the prescribed weightages for different years. A candidate, as per Rule 14.1 of the Academic Rules, is entitled to award of I Division with distinction provided he has completed in a single attempt in a period of four successive academic years and secured more than 70% or more in the aggregate of credit marks, compared by giving 50% weightage to 1st and 2nd year examinations and 100% weightage to the 3rd and 4th year examinations, and likewise, as per Rule 14.2 of the Academic Rules, a candidate is awarded I Division if he had completed the course in single attempt in a period of four successive years with 60% or more marks, and those who do not secure more than 70% or 60% marks and those who do not pass in single attempt in a period of four successive years, are awarded only II Division.

From a reading of Rules 14.0, 14.1 and 14.2 of the Academic Rules, it becomes clear that for a candidate, who secured 70% or more or 60% or more marks, to be placed in I Division with distinction or
I Division, as the case may be, has to pass each of the annual/semester examinations in one single attempt in a period of four successive years, in that, he has to pass the B. Tech. degree in four years in succession, one year after the other.

Admittedly, the petitioner did not pass one of the papers of the 2nd semester

of the 4th year, but had passed the said paper subsequently i.e., after the expiry of the 4th academic year, in that he has not completed the course in four successive academic years, and failed to satisfy the criteria prescribed for award of I Division with distinction and I Division in Rules 14.1 and 14.2 of the Academic Rules, and inasmuch as the petitioner has not completed the course in four successive academic years, the respondents having regard to Rule 14.3 of the Academic Rules, which provides that candidates who have satisfied the requirements for the award of B. Tech. degree, but cannot be placed in either I Division with distinction or I Division, shall be awarded II Division, had awarded II Division, even though he secured 70% marks in the aggregate, and no exception can be taken thereto.

Merely because some of the Universities have done away with this Rule, and the impugned Rule also having been amended subsequently by the University, the benefit thereof cannot be extended to the petitioners, having regard to the fact that the Rules that existed as on the date of the petitioner taking admission to B. Tech. degree and passing the same, govern the award of degree and divisions, and more so when the respondents have not made the amended Rule applicable retrospectively.

In the above view of the matter, none of the contentions advanced by the petitioner appeal to the Court, they are rejected, and accordingly, the writ petition is dismissed. No costs.

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N.V. RAMANA, J.

Date: 30th September 2005.

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